

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ISMAEL HERNANDEZ PADILLA,  
Plaintiff,  
v.  
U.S. SUPREME COURT OF THE UNITED  
STATES OF AMERICA, et al.,  
Defendants.

Case No. [18-cv-04509-JSW](#)

**ORDER OF TRANSFER**

Plaintiff, an inmate in Kenedy, Texas, filed a pro se complaint against the United States Supreme Court and the United States Attorney General. He complains that his constitutional rights are being violated because he is subject to the Prison Litigation Reform Act.

When, as here, jurisdiction is not founded solely on diversity, venue is proper in the district in which (1) any defendant resides, if all of the defendants reside in the same state, (2) the district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought. 28 U.S.C. § 1391(b). Where a case is filed in the wrong venue, the district court has the discretion either to dismiss the case or transfer it to the proper federal court “in the interest of justice.” 28 U.S.C. § 1406(a).

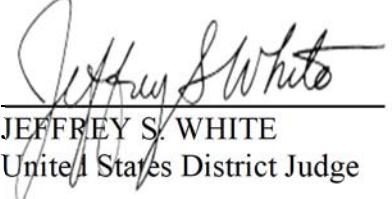
None of the Defendants reside in this district, and the events or omissions giving rise to Plaintiff’s complaint appear to have taken place in Kenedy, Texas, where Plaintiff’s prison is located. Kenedy is in Karnes County, which lies within the venue of the Western District of Texas. Under 28 U.S.C. § 1391(b)(2), venue is proper in the Western District of Texas.

1            Accordingly, IT IS ORDERED in the interest of justice, and pursuant to 28 U.S.C. §  
2 1406(a), that this action be TRANSFERRED to the United States District Court for the Western  
3 District of Texas.

4            The Clerk of the Court shall transfer this matter forthwith.

5            **IT IS SO ORDERED.**

6            Dated: October 23, 2018

  
\_\_\_\_\_  
JEFFREY S. WHITE  
United States District Judge

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28